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Notice of Allowability

Application No.

10/631,892

Examiner

Robyn Doan

Applicant(s)

CHAN, WING KIN

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/07.
2. ☒ The allowed claim(s) is/are 1, 5-14, 17, 21, 22, 24-28, 30, 36 (renumbered as 1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070817.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 8/20/07, Mr. Labarre requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 02-4800 the required fee of \$165 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Labarre on August 16, 2007.

The application has been amended as follows: Cancel claim 3

Claims 1, 30 and 36 are amended as follows:

1. (Currently Amended) A hair care device including hair combing means having a plurality of combing teeth arranged into a plurality of parallel comb rows which

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are comprising a first comb row and a second comb row each having a plurality of comb teeth, said first and second comb rows being relatively movable, a movement mechanism for relatively moving said comb rows whereby the effective teeth spacing ~~between combing teeth on adjacent~~ transversely across comb rows is adjustable, said movement mechanism including a driving member for causing a change in hair engaging tension by varying the effective teeth spacing across comb rows ~~between said adjacent combing teeth~~, and a holding mechanism; wherein at least some of said movable combing teeth are thermally conductive so that heat can be conducted from said comb rows to a user's hair being styled during use when hair is being engaged under tension by said comb rows, and wherein said holding mechanism ~~is arranged to maintain said comb rows at~~ comprises an arrangement of a plurality of indentations and a stud for engaging with one of said plurality of indentations, and cooperative engagement between said stud and one of said indentations defines a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of said discrete positions corresponds to a pre-determined effective teeth spacing, and wherein said driving member comprises a push-tab member and at least some of the comb teeth on said comb rows are adapted so that the effective teeth spacing of said comb rows is adjustable by relative movements between said comb rows, wherein movement of said push-tab member brings about movement of said plurality of movable teeth whereby the effective teeth spacing of said comb rows is changed.

30. (Currently Amended) A hair care apparatus including an air blower and a hair care device having hair combing means with a plurality of movable combing teeth arranged on a plurality of comb rows comprising a first comb row and a second comb row each having a plurality of comb teeth, said first and second comb rows being relatively moveable so that the effective teeth spacing transversely across said comb rows is variable, a movement mechanism for adjusting effective teeth spacing between adjacent combing teeth, and a holding mechanism, wherein at least some of said combing teeth are thermally conductive so that heat can be conducted from said comb rows to a user's hair via said thermally conductive combing teeth when said hair is being engaged under tension by said combing teeth, wherein said holding mechanism ~~maintains said movable combining teeth at~~ comprises an arrangement of a plurality of indentations and a stud for engaging with one of said plurality of indentations, and cooperative engagement between said stud and one of said indentations defines a user selectable position corresponding to one of a plurality of discrete positions during use, and each one of said discrete positions corresponds to a pre-determined effective teeth spacing, wherein said movement mechanism comprises a driving member which is arranged to cause change in hair engaging tension by varying the effective teeth spacing between said adjacent combing teeth, and wherein said driving member comprises a push-tab member and at least some of the comb teeth on said comb rows are adapted so that the effective teeth spacing of said combing rows is adjustable by relative movements between said comb rows, wherein movement of said push-tab

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member brings about movement of said plurality of movable teeth whereby the effective teeth spacing of said comb rows is changed.

36. (Currently Amended) A hair care device including hair combing means with a plurality of combing teeth arranged on a plurality of comb rows comprising a first comb row and a second comb row each having a plurality of comb teeth, said first and second comb rows being relatively moveable so that the effective teeth spacing transversely across said comb rows is variable, a movement mechanism for adjusting effective teeth spacing between adjacent combing teeth, and a holding mechanism, wherein said hair comb rows includes a plurality of movable combing teeth, and at least some of said movable combing teeth are thermally conductive so that heat can be conducted from said comb rows to a user's hair being styled during use when hair is being engaged under tension by said comb rows, and wherein said holding mechanism ~~maintains said movable combining teeth at~~ comprises an arrangement of a plurality of indentations and a stud for engaging with one of said plurality of indentations, and cooperative engagement between said stud and one of said indentations defines a user selectable position corresponding to one of at least three discrete positions during use, and each one of said discrete positions corresponds to a pre-determined effective teeth spacing, wherein said movement mechanism comprises a driving member which is arranged to cause change in hair engaging tension by varying the effective teeth spacing between said adjacent combing teeth, and wherein said driving member comprises a push-tab member and at least some of the comb teeth on said comb rows

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are adapted so that the effective teeth spacing of said combing rows is adjustable by relative movements between said comb rows, wherein movement of said push-tab member brings about movement of said plurality of movable teeth whereby the effective teeth spacing of said comb rows is changed.

Claims 1, 5,6, 8, 17, 21, 22, 24-26, 30, 36 are allowable. The restriction requirement of species II, as set forth in the Office action mailed on 3/7/06, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 7, 9, 10-16, 18-20, 23, 27-29, 31-34 directed to different species are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/
Primary Examiner
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rkd
August 17, 2007